

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:	Case No. 8-11-78239-ast
FRANCISO AMAYA and	
CELIA AMAYA,	Chapter 7
Debtor(s).	AFFIDAVIT

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I, Francisco Amaya, of full age and being duly sworn hereby state that:

1. I am the debtor in the above captioned bankruptcy matter, and I reside at 169 Main Street, Mastic, New York 11950.

2. On June 12, 2011, I suffered certain injuries while I was a patron at the Pueblo Viejo Restaurant at 224 East Main Street, Patchogue, New York 11772.

3. On June 18, 2011, I consulted with Thomas J. Keegan, Jr. of Keegan & Keegan, Ross & Rosner, LLP, about the possibility of filing a civil claim as a result of my injuries.

4. Shortly thereafter, Mr. Keegan advised me that there was no clear case based on: (a) the evidence of the injuries, (b) that I would be working again and (c) the police would not pursue criminal charges against the parties caused my injuries.

5. As a result, I did not file a case because I did not believe I had a claim to file in court.

6. On November 21, 2011, I filed my Chapter 7 case with the U.S. Bankruptcy Court for the Eastern District of New York.

7. On December 2, 2011, I appeared before panel trustee Andrew Thaler at the §341 Meeting of Creditors and I stated that I did not have a civil case pending nor the right to sue anyone based on my understanding of my situation and the advise that I received from Thomas J Keegan, Jr.

8. On February 28, 2012, I obtained a discharge in bankruptcy for my Chapter 7 case.

9. On August 7, 2012, my attorney, Thomas Keegan, Jr., took my personal injury case based on my deteriorating health and inability to return to work. There was new evidence that would not support a claim in personal injury.

10. On December 5, 2012, I filed a personal injury claim in the Supreme Court of Suffolk County based on the new evidence.

11. I had no motive to conceal an asset in my Chapter 7 bankruptcy case because I legitimately believed at the time of filing that I did not have a case to file in New York State court. This is why I did not make mention of my personal injury claim in my bankruptcy petition.

12. I am asking the Court to allow me to reopen my case and amend my petition to include my personal injury claim in light of the fact that I had no intent to conceal this asset in my bankruptcy case.

Dated November 22, 2014

s/Francisco Amaya

FRANCISCO AMAYA

Sworn to before me this
22nd day of November, 2014

VICTOR MIGUEL CAMPOS
Notary Public, State of New York
Registration No. 02CA4961665
Qualified in Suffolk County
Registration expires on 02/05/2018

s/Victor Miguel Campos

(Notary Public)